

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BRANDON WOLOWSKI,)	16-cv-1538
)	
Plaintiff,)	ELECTRONICALLY FILED
)	
v.)	
)	
ADRIAN FLETCHER, KEITH WATSON,)	
DAVID THORNE, FRANCISCO SECTI,)	
and ADAM SMITH,)	
Defendants.)	

**MEMORANDUM ORDER ADOPTING MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION ([DOC. NO. 29](#))**

This prisoner civil rights suit was commenced on October 7, 2016, with the submission of a complaint and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, [28 U.S.C. § 636\(b\)\(1\)](#), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

Defendants filed a “Motion to Dismiss in the form of a Motion for Summary Judgment Pursuant to [F.R.C.P. 56\(c\)](#)” ([Doc. No. 22](#)). Plaintiff filed a brief in opposition ([Doc. No. 27](#)), to which Defendants filed a Reply Brief. ([Doc. No. 28](#)). Upon completion of briefing, the magistrate judge filed a report and recommendation (“R&R”) on June 2, 2017, recommending that the motion be denied. Defendants written objections to the R&R were due by June 19, 2017; Plaintiff’s objections were due by June 22, 2017. To date, no party has filed any objections nor has any party sought an extension of time in which to do so.

After *de novo* review of the pleadings and documents in this case, together with the Report and Recommendation, the Court finds that the report and recommendation should be adopted as the opinion the Court. Accordingly, the following order is entered:

AND NOW, this 23rd day of June, 2017:

1. Defendants' motion to dismiss ([Doc. No. 22](#)) is **DENIED**.
2. It is further **ORDERED** that the Report and Recommendation ([Doc. No. 29](#)) is **ADOPTED** as the Opinion of the Court.
3. It is further **ORDERED** that Defendants shall file an Answer in accordance with [Federal Rule of Civil Procedure 12\(a\)\(4\)\(A\)](#).

This matter is referred back to Magistrate Judge Eddy for all further pretrial proceedings.

SO ORDERED this 23rd day of June, 2017.

s/Arthur J. Schwab
Arthur J. Schwab
United States District Judge

cc: BRANDON WOLOWSKI
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100 West Cherry Avenue
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(via U.S. First Class Mail)

Paul D. Krepps
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